

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD DECEMBER 17, 2013**

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**CALL TO ORDER**

At 7:03 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley, Mr. Hall and Mayor Bruno answered present. Mr. Pirone was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**EXECUTIVE SESSION - Contractual Negotiations – Little Flower Church**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:06 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

Moved by Mr. Hall to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:

**(7:40 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**Meeting CD did not record from 7:05 p.m. to 9:17 p.m the minutes were prepared from log notes only.**

**CONFERENCE SESSION - Community Garden – Christina Lewis**

Christina Lewis gave a presentation on the Community Garden. She spoke about the operation, maintenance and funding for a Community Garden. She answered questions from the Mayor and Township Council.

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**APPROVAL OF MINUTES**

Moved by Mr. Delia to approve the following Township Council minutes, seconded by Mr. Pastore and upon roll call vote:

**Public Meeting – December 3, 2013**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

Moved by Mr. Delia to approve the following Executive Session minutes, seconded by Mr. Pastore and upon roll call vote:

**Executive Session Minutes –January 11, 2011, January 25, 2011  
March 8, 2011, June 14, 2011,  
June 28, 2011**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: Mrs. Kingsley  
Absent: Mr. Pirone

**TOWNSHIP COUNCIL REPORTS**

Mr. Delia spoke about train commuter vehicles being parked on Springfield Avenue. He spoke about the need to address this matter and the need for parking signs.

Mr. Pastore had nothing to report.

Mr. Woodruff had nothing to report.

Mrs. Kingsley reported on the Beautification Committee and said the wreaths have been put up in the downtown. She also spoke about the problems with lighting some of the wreaths and said that matter is being addressed with JCP & L.

Mr. Hall had nothing to report.

Linda Cavanaugh, Township Administrator apologized for the conditions of the meeting room. She said the Township Engineer has been working on the problem. Mrs. Cavanaugh has received a preliminary draft on the traffic study for Snyder and Hamilton Avenue intersection. Mrs. Cavanaugh reported on the tree removal in the right of way and said the weather has slowed their work down. Mrs. Cavanaugh also reported on the preliminary budget meetings. She also reported on the DPW programs.

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Mayor Bruno reminded the residents that the pedestrian have the right of way and people should slow down for them when they are crossing. Mayor Bruno also spoke about the clock project and said the project is being done from donations.

Moved by Mr. Pastore to accept and approve the Township Council Reports, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**HEARING ON AGENDA ITEMS ONLY**

Moved by Mrs. Kingsley to open the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

Tom Foregger of 14 Dorsett Road referred to resolution #3 regarding the budget transfers and made comments and asked questions.

Mayor Bruno said he will have the CFO answer Mr. Foregger's questions.

Mr. Foregger asked if the town has decided to go ahead with the land swap.

Mayor Bruno responded that the public would be notified before anything is done.

Mr. Foregger continued with his questions regarding the land swap.

A lengthy discussion continued.

Carol Matula of 5 Hastings Road commented on the land swap. She continued with her remarks and questions.

Mr. Foregger also commented

The discussion again continued.

Hearing no voices, moved by Mrs. Kingsley to close the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES  
INTRODUCED ON DECEMBER 3, 2013:**

The Clerk presented and read:

**(1) “CAPITAL ORDINANCE APPROPRIATING \$10,205 FOR VARIOUS CAPITAL  
IMPROVEMENTS AND ACQUISITIONS IN AND BY THE TOWNSHIP OF  
BERKELEY HEIGHTS IN THE COUNTY OF UNION, NEW JERSEY.”**

Moved by Mr. Hall to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

Hearing no voices, moved by Mr. Hall to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

Moved by Mr. Hall that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**NEW BUSINESS- RESOLUTIONS  
OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated December 17, 2013 in the amount of \$591,477.55.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**Mr. Hall introduced the following resolution:**

2. Resolution consenting to the Professional Services Agreement with James J. Ramentol, AIA, and GRA Architects, Inc., for professional architectural services in connection with the Township's development of a new municipal complex as a result of a potential land swap with Little Flower Church.

Moved by Mr. Hall to approve resolution #2, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**Mrs. Kingsley introduced the following resolution:**

3. Resolution authorizing transfers within the 2013 Municipal Budget and Reserves.

Moved by Mrs. Kingsley to approve resolution #3, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**Mr. Pastore introduced the following resolution:**

4. Resolution authorizing insertion of additional revenues in the budget of the year 2013.

Moved by Mr. Pastore to approve resolution #4, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**Mr. Woodruff introduced the following resolution:**

5. Resolution consenting to the additional collocation of additional dishes and related equipment on the tower on the Leased Premises at Block 3401, Lot 49 for Virtu Financial Operating, LLC, pursuant to the terms and conditions of the Lease Agreement.

Moved by Mr. Woodruff to approve resolution #5, seconded by Mr. Hall and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**Mr. Delia introduced the following resolution:**

6. Resolution approving the 2014 Budget for the Community Pool Corporation.

Moved by Mr. Delia to approve resolution #6, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**Mr. Hall introduced the following resolution:**

7. Resolution authorizing a tax appeal settlement for 501 Heritage Square, Block 206, Lot 1, 501 Springfield Avenue.

Ayes: Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: Mr. Delia  
Abstain: None  
Absent: Mr. Pirone

**Mrs. Kingsley introduced the following resolution:**

8. Resolution authorizing a tax appeal settlement for 501 Heritage Square, Block 206, Lot 2, 235 Washington Street.

Moved by Mrs. Kingsley to approve resolution #8, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: Mr. Delia  
Abstain: None  
Absent: Mr. Pirone

**Mr. Woodruff introduced the following resolution:**

9. Amended Resolution authorizing the submission of the Municipal Alliance grant for calendar year 2014 in the amount of \$14,866.00.

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

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**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:**

**(6)**

a. Resolution authorizing the Tax Collector to refund the following 2013 tax overpayment:

1. Jeffrey P. & Debra Ann Varnerin	20 Wardle Avenue	\$2,737.55
2. Peter W. & Gail Tortorello	178 Countryside Drive	\$2,932.02
3. Kiery A. Jackson	13 Springholm Drive	\$1,874.60

b. Resolution authorizing redemption of Tax Sale Certificate #13-00001T, in the amount of \$9,466.28, for Block #104, Lot #9 located at 122 Lincoln Street.

Moved by Mr. Pastore to approve Consent Agenda resolutions #6a-b, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**CITIZENS HEARING**

Moved by Mrs. Kingsley to open the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

Gerald Kuzmik of Eaton Court asked about the progress of the street sweeper.

Mayor Bruno responded the new sweeper will be part of the 2014 capital budget. He added Jorge Casacuberta is presently doing research on it.

Charlie Pratt of 45 Park Avenue spoke about the meeting in another town that was mentioned at the last meeting regarding the secession and asked when that is scheduled for.

Mayor Bruno responded it is scheduled for tomorrow night in Westfield.

Mr. Pratt also asked referred to the presentation on energy and asked if there has been any progress.

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Mayor Bruno responded the Township Administrator has been working on it.

Charlie Pratt thanked Tom Barton and said the Santa event was great. He also thanked Bobbie Peer and said she is doing a great job.

Carol Matula of 5 Hastings Road asked what is the source of funding is for resolutions #10 and 11.

Mayor Bruno responded it is part of the capital budget.

Hearing no voices, moved by Mrs. Kingsley to close the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**ADJOURNMENT**

Moved by Mr. Woodruff to adjourn, seconded by Mrs. Kingsley and upon roll call vote:  
**(9:20 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone

**Approved: January 7, 2014**